

BOARD BILL NO. 98 INTRODUCED BY ALDERMAN STEPHEN CONWAY

1 An Ordinance recommended and approved by the Airport Commission and the Board of
2 Estimate and Apportionment authorizing and directing the Mayor and the Comptroller, on behalf
3 of The City of St. Louis, Missouri (the "City"), to execute and deliver the First Amendment To
4 Intergovernmental Agreement by and between the City and the Bi-State Development Agency of
5 the Missouri-Illinois Metropolitan District (collectively the "Parties"), concerning the Parties
6 cooperative effort to operate a regional interoperable public safety communication system for the
7 benefit of the public, and local, state, and federal emergency responders, attached hereto as
8 Exhibit A and incorporated herein by this reference; authorizing the Mayor and the Comptroller
9 to execute and deliver any and all additional certificates, documents, agreements, or other
10 instruments as may be necessary and appropriate in order to carry out the matters herein
11 authorized; authorizing the Mayor and the Comptroller, with the advice and concurrence of the
12 City Counselor, to make any changes to the documents, agreements and instruments approved
13 and authorized by this Ordinance and necessary and appropriate to carry out the matters herein
14 authorized; containing a severability clause; and an emergency clause.

15 **WHEREAS**, The City of St. Louis, Missouri (the "City") is a body corporate and a
16 political subdivision of the State of Missouri, duly created, organized and existing under and by
17 virtue of its charter, the Constitution, and laws of the State of Missouri;

18 **WHEREAS**, The Bi-State Development Agency of the Missouri-Illinois Metropolitan
19 District ("BSDA") is a body corporate and politic, created by an interstate compact between the
20 States of Missouri and Illinois, and organized and existing pursuant to Chapter 70 of the Revised

1 Statutes of Missouri, as amended, and Chapter 45 of the Illinois Compiled Statutes, Act 105;

2 **WHEREAS**, sections 70.210 to 70.325 of the Revised Statutes of Missouri, as amended
3 (herein referred to as the "Intergovernmental Agreement Act"), allow and provide, in pertinent
4 part, for municipalities and political subdivisions of the State of Missouri to contract and
5 cooperate with any other municipality or political subdivision or duly authorized agency of the
6 State of Missouri for the planning, development, construction, acquisition or operation of any
7 public improvement or facility, or for a common service;

8 **WHEREAS**, pursuant to the Intergovernmental Agreement Act, the City is authorized to
9 enter into the First Amendment To Intergovernmental Agreement, attached hereto as Exhibit A
10 and incorporated herein by this reference, with BSDA;

11 **WHEREAS**, on February 11, 2011 BSDA and the St. Louis Metropolitan Police
12 Department ("SLMPD") entered into an Intergovernmental Agreement (the "Agreement"),
13 concerning regional interoperable public safety communications;

14 **WHEREAS**, on November 6, 2012, a majority of the voters of the State of Missouri
15 approved Proposition A, which enabled the City to establish a locally controlled, municipal
16 police department in place of the existing, state-controlled SLMPD;

17 **WHEREAS**, Section 84.344.4 of the Revised Statutes of Missouri provides that the City
18 must, before establishing a municipal police department, adopt an ordinance accepting
19 responsibility, ownership, and liability as successor-in-interest for contractual obligations,
20 indebtedness, and other lawful obligations of the Board of Police Commissioners of the SLMPD;

1 **WHEREAS**, pursuant to the terms and provisions of Section 84.344.4 of the Revised
2 Statutes of Missouri, the City's Board of Aldermen enacted Ordinance 69489, accepting
3 responsibility, ownership, and liability as successor-in-interest for contractual obligations,
4 indebtedness, and other lawful obligations of the Board of Police Commissioners of the SLMPD,
5 effective September 1, 2013;

6 **WHEREAS**, as successor-in-interest to the SLMPD, the City accepts responsibility and
7 ownership of the February 11, 2011 Agreement entered into by the Board of Police
8 Commissioners of the SLMPD;

9 **WHEREAS**, the City is the owner and operator of Lambert-St. Louis International
10 Airport® ("Airport"), a department within the City;

11 **WHEREAS**, the Airport radio system was linked with the City/SLMPD system and
12 BSDA system with the objective of becoming an integral part of a secure, high-quality instantly
13 accessible radio communications network designed to achieve improved interoperability and
14 emergency response communications in the St. Louis region;

15 **WHEREAS**, it is in the best interest of both the City and BSDA to amend the Agreement
16 to clarify the City's and Airport's administrative roles in improving interoperability and
17 emergency response communications in the St. Louis region;

18 **WHEREAS**, under its Section 5.7, the Agreement may be amended by the mutual
19 written consent of BSDA and the City, as successor-in-interest to the SLMPD, (collectively the
20 "Parties") when authorized by the requisite vote of the governing bodies of the Parties, or by the
21 assent of an official of the Parties authorized to give such assent; and

1 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the First
2 Amendment are acceptable and the execution, delivery, and performance by the City and BSDA
3 of their respective obligations under the First Amendment are in the best interests of the City and
4 the health, safety, morals, and welfare of its residents.

5 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6 **SECTION ONE.** The Board of Aldermen hereby adopts the foregoing recitals as
7 findings.

8 **SECTION TWO.** The Board of Aldermen hereby approves, and the Mayor and the
9 Comptroller of The City of St. Louis, Missouri (the “City”) are hereby authorized and directed to
10 execute, on behalf of the City, the First Amendment To Intergovernmental Agreement (“First
11 Amendment”), attached hereto as Exhibit A and incorporated herein by this reference.

12 **SECTION THREE.** The Mayor and the Comptroller of the City or their designated
13 representatives are hereby authorized and directed to take any and all actions to execute and
14 deliver for and on behalf of the City any and all additional certificates, documents, agreements,
15 or other instruments as may be necessary and appropriate in order to carry out the matters herein
16 authorized, with no such further action of the Board of Aldermen necessary to authorize such
17 action by the Mayor and the Comptroller or their designated representatives.

18 **SECTION FOUR.** The Mayor and the Comptroller or their designated representatives,
19 with the advice and concurrence of the City Counselor, are hereby further authorized and
20 directed to make any changes to the documents, agreements and instruments approved and

1 authorized by this Ordinance as may be consistent with the intent of this Ordinance and
2 necessary and appropriate in order to carry out the matters herein authorized, with no such
3 further action of the Board of Aldermen necessary to authorize such changes by the Mayor and
4 the Comptroller or their designated representatives.

5 **SECTION FIVE.** It is hereby declared to be the intention of the Board of Aldermen that
6 each and every part, section, and subsection of this Ordinance shall be separate and severable
7 from each and every other part, section, and subsection hereof and that the Board of Aldermen
8 intends to adopt each said part, section, and subsection separately and independently of any other
9 part, section, and subsection. In the event that any part, section, or subsection of this Ordinance
10 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
11 sections, and subsections shall be and remain in full force and effect, unless the court making
12 such finding shall determine that the valid portions standing alone are incomplete and are
13 incapable of being executed in accord with the legislative intent.

14 **SECTION SIX.** This being an ordinance for the preservation of public peace, health, and
15 safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and
16 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective
17 immediately upon its passage and approval by the Mayor.